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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

20 UNITED STATES OF AMERICA,) No. CR 08-0890 MMC
21 Plaintiff,) STIPULATION REQUESTING
22 v.) PROTECTIVE ORDER, AND
23 BYRON PRATT and JAY KENT,) ~~PROPOSED~~ ORDER
24 Defendants.)

25 The parties respectfully stipulate as follows:

26 1. The United States expects to call as a witness at trial Deneal Bobo, the undercover
27 FBI source who conducted the narcotics purchases charged against defendants in the indictment.
28 2. Mr. Bobo has a criminal record. The United States would like to provide Mr. Bobo's criminal "rap sheet" to defendants in advance of trial. The parties agree that it is appropriate to restrict disclosure of the rap sheet solely to defendants, defendants' counsel, and any other member of defendants' trial teams, including the investigative firm or any expert witnesses assisting in the preparation of the defense, in the above-captioned matter and solely for use in preparing for and conducting the trial of the above-captioned matter. The parties agree

1 that the persons described in the previous sentence should be barred from distributing Mr.
2 Bobo's rap sheet to any other person or entity. Such persons are also barred from using it for any
3 purpose other than trial in the above-captioned matter.

4 3. Mr. Bobo has a pending criminal case in this district, United States v. Deneal
5 Bobo, No. CR 08-0618 WHA. The United States represents that Mr. Bobo has entered into a
6 plea agreement with the United States in that pending criminal case and would like to provide a
7 copy of that plea agreement to defendants in advance of trial in the instant case. That plea
8 agreement is under seal. Judge Alsup has recently authorized disclosure of Mr. Bobo's plea
9 agreement to defendants in the instant matter, pursuant to an appropriate protective order. The
10 parties believe that it is appropriate to restrict the disclosure of Mr. Bobo's plea agreement under
11 the same terms as described above concerning the rap sheet – that is, that disclosure of the plea
12 agreement shall be limited to defendants, defendants' counsel, and any other members of
13 defendants' trial teams including any investigators and/or expert witnesses, and that these
14 individuals may use this plea agreement solely for purposes of preparing for and conducting the
15 trial in the above captioned matter.

16 4. The parties respectfully ask the Court to enter a protective order consistent with
17 this stipulation. A proposed order is set out below.

18 IT IS SO STIPULATED.

19
20 DATED: July 22, 2009

/s/ _____
21 ELLEN LEONIDA
Attorney for Defendant Byron Pratt

22
23 DATED: July 22, 2009

/s/ _____
24 DANIEL BLANK
Attorney for Defendant Jay Kent

25
26 DATED: July 22, 2009

/s/ _____
27 ANDREW P. CAPUTO
Assistant United States Attorney

[PROPOSED] ORDER

Upon consideration of the parties' stipulated request for a protective order, the Court hereby enters the following order:

The United States shall disclose forthwith to defendants' counsel the criminal "rap sheet" for Deneal Bobo. Disclosure of the rap sheet shall be restricted to defendants, defendants' counsel, and any other members of defendants' trial teams in the above-captioned matter. These specified individuals may use the rap sheet solely for purposes of trial in the above-captioned matter and are barred from disclosing it to any other person or using it for any other purpose.

The United States also shall disclose forthwith to defendants' counsel in the instant case the plea agreement entered into by Mr. Bobo in United States v. Deneal Bobo, No CR 08-0618 WHA. Disclosure of the plea agreement shall be restricted to defendants, defendants' counsel, and any other members of defendants' trial teams in the above-captioned matter. These specified individuals may use the plea agreement solely for purposes of trial in the above-captioned matter and are barred from disclosing it to any other person or using it for any other purpose.

IT IS SO ORDERED.

DATED: July 24, 2009

Maxine M. Chesney
MAXINE M. CHESNEY
United States District Judge